

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSEPH P. ROCCO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ADIDAS AMERICA, Inc.

Defendant.

Case No.: 12-cv-3015 (FB) (MDG)

CLASS ACTION

STIPULATION OF DISMISSAL

The parties to this action hereby jointly move to dismiss the action without prejudice and without fees or costs for any party, pursuant to Federal Rule of Civil Procedure 41(a).

In support of this motion, the parties state that on June 15, 2012, Plaintiff filed the Class Action Complaint (Docket No. 1) against Defendant. On September 7, 2012, Defendant filed its answer and affirmative defenses to Plaintiff's Class Action Complaint (Docket No. 8). There has been no other substantive activity in this action.

This action was filed on behalf of a putative class, but no class has been certified. Pursuant to Federal Rule of Civil Procedure 23(e), the parties state that Plaintiff's individual claims are being resolved.

WHEREFORE, the parties respectfully request that the Court dismiss the action without prejudice and without fees and costs for any party.

Dated: October 1, 2012

Respectfully submitted,

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*Counsel for the Defendant adidas America,
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CERTIFICATE OF SERVICE

I hereby certify that, on October 1, 2012, a true and correct copy of the foregoing has been served upon counsel of record by via Case Management/Electronic Case Filing system.

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BY: /s/ John P. Hooper _____
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